Ex. 23

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

JARI McPHERSON, JERALD § SAMS, and DANIEL § MARTINEZ, S Plaintiffs, 8 S CASE NUMBER § 1:20-cv-01223-RP v. S 8 TEXAS DEPARTMENT OF PUBLIC SAFETY, and Director Steven C. McCraw, in his McCraw, in his § official capacity, § Defendants.

ORAL DEPOSITION
(VIA ZOOM VIDEOCONFERENCING)
OF
FACT WITNESS
RONALD CLAYTON JOY, JR.

TUESDAY, DECEMBER 6, 2022

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		179		18
1	A. No. The answer was "no," because	1	A. Of all the Troopers I rode with that	
2	neither one of us were involved in the Board.	2	were under investigation? No.	
3	Q. Oh, I see. Okay.	3	Q. You don't remember one name?	
4	Did you ever state that there were	4	A. Daniel Sarabia, José Delrio,	
5	too many African Americans on the Mounted Unit?	5	Q. Hold on; hold on.	
6	A. No.	6	Daniel who?	
7	Q. And I asked you a question similar to	7	A. Daniel Sarabia.	
8	this, but it wasn't quite the same.	8	Q. How do you spell that?	
9	Have you ever in your DPS career as a	9	A. S-A-R-A-B-I-A.	
0	supervisor escorted anyone under investigation to	10	Q. Okay. And who else?	
1	do their daily duties?	11	A. José Delrio.	
2	MR. HARRIS: Object	12	Q. José Del	
3	to the form of the question.	13	A. Delrio.	
4	You may answer.	14	Q. Okay. Anyone else?	
5	A. When you say "escorted them to do	15	A. There's several others, but I don't	
	그들은 아들이 아름아들었다. 그는 이 경영 나는 사람들이 하는 사람은 이 살이 되는 것을 만들는 것이다. 그리고 아름아 살아보는 사람들이 되었다.	11.23	remember all the names.	
6	their daily duties," that's a pretty broad	16		
7	category covering 30 years, so I'm going to have	17	Q. Can you give me the name of one White	
8	to say "yes."	18	Trooper that you did this with.	
9	Every time a Sergeant rides with his	19	A. John Henley.	
20	Troopers, he's escorting them to do their duties,	20	Q. "Don" Henley?	
21	SO	21	A. "John" Henley.	
22	BY MR. MUNGO:	22	Q. John Henley.	
23	Q. No, no, no, no. That's while they're	23	A. Jimmy Nail.	
	being investigated.	24	Q. Jimmy Nail. N-A-I-L?	
24 25	A. Yes, I check in with Troopers while	25	A. Yes, sir.	
	A. Yes, I check in with Troopers while	180	A. Yes, sir.	18
				18
25	they're being investigated, yes.	180	Q. Okay. And what years were these?	18
1 2	they're being investigated, yes. Q. Because of the investigation?	180	Q. Okay. And what years were these? A. Oh, goodness. Jimmy Nail was	18
1 2 3	they're being investigated, yes. Q. Because of the investigation? A. Yes, yes.	180	Q. Okay. And what years were these?	18
1 2 3 4	they're being investigated, yes. Q. Because of the investigation? A. Yes, yes. Q. And how many times did that occur?	180 1 2 3	Q. Okay. And what years were these? A. Oh, goodness. Jimmy Nail was sometime between '95 and '97. John Henley would	18
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	183			18
1	N-I-G-G-A	1	MR. HARRIS: Object	
2	A. No.	2	to the form of the question.	
3	Q while with the Department?	3	BY MR. MUNGO:	
4	A. No.	4	Q. How about "monkey"?	
5	Q. What about N-I-G-G-E-R?	5	A. What?	
6	A. No. You just asked me that. No.	6	Q. Monkey.	
7	Q. Okay. So you absolutely have	7	A. No.	
8	never since how old were you as a child the	8	Q. When referencing Black people.	
9	last time you used it?	9	A. No.	
0	MR. HARRIS: Object	10	Q. Have you ever expressed your attitude	
1	to the form of the question.	11	that Black people are less equipped mentally than	
2	A. I don't know.	12	White people?	
3	BY MR. MUNGO:	13	A. No.	
4	Q. You don't know how old you were?	14	Q. If you had conversations with some	
5	A. No.	15	Troopers who recall such, would you deny that?	
6	Q. Okay. But you can remember using the	16	A. Yes.	
7	N-word?	17	Q. Do you feel that Trooper Sams is a	
8	MR. HARRIS: Object	18	large part of the success of the Mounted Patrol?	
9	to the form of the question.	19	A. Yes.	
0	A. I'm sure as a child, I probably did	20	Q. How do you feel about the diversity	
1	at least once.	21	makeup with regards to the Promotional Board	
2	BY MR. MUNGO:	22	process?	
3	Q. At least once.	23	MR. HARRIS: Object	
4	Okay. But you don't remember how old	24	to the form of the question.	
	you were?	25	A. I think the Board should be diverse	
1	184 A No	1	and reflect a pool of applicants	1
	A. No.	5	and reflect a pool of applicants. BY MR. MUNGO:	1
1 2 3	A. No. Q. Okay. So you don't know whether you	2	BY MR. MUNGO:	1
2	A. No. Q. Okay. So you don't know whether you were a child, then, if you don't know how old you	5	BY MR. MUNGO: Q. Do you believe that they are diverse	1
2 3 4	A. No. Q. Okay. So you don't know whether you were a child, then, if you don't know how old you were, right?	2 3 4	BY MR. MUNGO: Q. Do you believe that they are diverse and reflect a pool of applicants?	1
2 3 4 5	A. No. Q. Okay. So you don't know whether you were a child, then, if you don't know how old you were, right? MR. HARRIS: Object	2 3 4 5	BY MR. MUNGO: Q. Do you believe that they are diverse and reflect a pool of applicants? A. Most of the time.	1
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1 A. No, I do not know. 2 Q. Okay. Have you ever inquired into 3 the same with regard to the Texas Highway Patro 4 the Division over which you were a Chief? 5 A. Have I inquired about what? 6 Q. The diversity of the Promotion 7 Boards. 8 MR. HARRIS: Object	4
9 to the form of the question.10 A. No, I don't believe so.	8 9 Subscribed and sworn to before me by the
11 BY MR. MUNGO:	10 said witness, RONALD CLAYTON JOY, JR., on this
12 Q. Did the OIG ever interview you with	11 the day of, 2023,
13 regard to any of the Complaints that were made b	y subject to the aforementioned corrections/
4 Mr. Sams?	13 changes, if any.
5 A. No.	14
6 MR. MUNGO: Okay. I	15
7 think that's all I've got. Give me	16
 just two minutes; just two minutes. THE COURT REPORTER: We're 	17
going off the record at 6:24 p.m.	Notary Public in and for
(Recess held from 6:24 p.m. to 6:27 p.m.)	19 the State of
2 THE COURT REPORTER: We're	20
going back on the record at 6:27	21 My Commission Expires:
4 p.m.	22
5 MR. MUNGO: Okay, Mr.	23
	24 25
	190
1 CHANGES AND SIGNATURE	1 REPORTER'S CERTIFICATE
2 RONALD CLAYTON JOY, JR. DECEMBER (2000 - Helita :
3 PAGE LINE CHANGE REASON 4	3 1693, Certified Shorthand Reporter, Registered 4 Professional Reporter, and Certified Realtime
5	
3	
	6 That the foregoing proceedings were taken
	6 That the foregoing proceedings were taken 7 remotely before me via Zoom videoconferencing, at
3	6 That the foregoing proceedings were taken 7 remotely before me via Zoom videoconferencing, at 8 which time the witness was remotely put under
7	6 That the foregoing proceedings were taken 7 remotely before me via Zoom videoconferencing, at 8 which time the witness was remotely put under 9 oath by me; 10 That the testimony of the witness, the
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7	6 That the foregoing proceedings were taken 7 remotely before me via Zoom videoconferencing, at 8 which time the witness was remotely put under 9 oath by me; 10 That the testimony of the witness, the 11 questions propounded, and all objections and 12 statements made at the time of the examination 13 were recorded remotely stenographically by me and
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